

PLANNING BOARD
Meeting Minutes
Tuesday, July 2, 2013
Town Hall, 120 Main Street
7:00 PM

1 Present: J. Simons, M. Colantoni, D. Kellogg, L. Rudnicki. L. McSherry

2 Absent: R. Rowen

3 Staff Present: J. Tymon, J. Enright

4
5 Meeting began at 7:00pm.

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7 **BOND RELEASE**

8 254 Great Pond Road: Nancy Leland requests release of a \$4,000 performance bond.

9 J. Tymon: This project was for a Watershed Special Permit to construct a new home. The
10 project is complete, a site visit has been conducted, and an as-built has been submitted.

11 Recommend release of all remaining performance bond funds for 254 Great Pond Road.

12 **MOTION**

13 A motion was made by L. Rudnicki to release the \$4,000 performance bond with the accrued
14 interest for 254 Great Pond Road. The motion was seconded by M. Colantoni. The vote was
15 unanimous, 5-0.

16
17 **POSTPONEMENTS**

18 CONTINUED PUBLIC HEARING, 1077 Osgood Street: Application for a Watershed Special
19 Permit and Site Plan Review Special Permit. Applicant proposes to construct a 3,672 sq. ft.
20 single story retail bank, parking lot, and stormwater structures within the Non-Discharge Zone
21 and Non-Disturbance Zone of the Watershed Protection District.

22
23 CONTINUED PUBLIC HEARING, 0 Great Pond Road (Map 35 Lot 4): Application for a
24 Watershed Special Permit. Applicant seeks to construct a single family dwelling with
25 appurtenances on a presently undeveloped, buildable lot.

26
27 **PUBLIC HEARINGS**

28 CONTINUED PUBLIC HEARING, Adjacent to 1665 Great Pond Road: Application for a
29 Watershed Special Permit. Applicant seeks to construct a single family home with associated
30 clearing, grading, utilities, and stormwater maintenance features within the Non-Discharge and
31 Non-Disturbance Zone of Lake Cochichewick and the 100 foot buffer zone of an adjacent
32 bordering vegetated wetland resource within the Watershed Protection Overlay District in the
33 Residential 1 (R-1) Zoning District.

34 J. Tymon: There are no open issues. L. Eggleston's review is complete and all comments have
35 been responded to and resolved.

36 J. Simons: Confirmed that the topography is not like the last lot that was recently reviewed and
37 that there will not be much cutting and filling required or land clearing.

38 Bill MacLeod: Reviewed the topography of the lot with the Board. The shed that crosses the
39 property line will be removed. The utility lines will be run adjacent to the driveway to limit the
40 clearing.

41 **MOTION**

42 A motion was made by D. Kellogg to close the public hearing for 1665 Great Pond Road. The
43 motion was seconded by L. McSherry. The vote was unanimous, 5-0.

44 A draft Notice of Decision was reviewed.

45 **MOTION**

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A motion was made by D. Kellogg to approve the Watershed Special Permit for 1665 Great Pond Road as outlined in the Notice of Decision as amended this evening. The motion was seconded by M. Colantoni. The vote was unanimous, 5-0.

DISCUSSION

Ricardo Dube, 7 Abby Lane: Requests relief from 50 ft. setback for construction of an in-ground pool with landscaped screening.

J. Tymon: Seven Abby Lane is part of Autumn Chase subdivision. This is a Planned Residential Development which requires a 50' buffer from the parcel boundary. The owners would like to install an in-ground pool 36' from the rear lot line. There is a reference in the subdivision Decision to the 50' buffer. The reference is related to a waiver granted for Lot 16. The 50' buffer is not shown on the plan. The Open Space is behind the lots on the other side of the street. Abby Lane does not abut the Open Space. There would be added landscaping and screening to the property as well.

J. Simons: We have to decide if this compromises the whole concept of the buffer zone which is in the Bylaw. If this exemption was requested prior to the subdivision approval the answer would be no. Stated he was not sure the Board has the authority to waive the 50' buffer and that the neighbor has no idea this is being requested.

Ricardo and Paula Dube, 7 Abby Lane: Reviewed a plot plan with proposed added screening and pictures of the existing property with the Board. Stated that if the 50' buffer was maintained the pool would be approximately five feet off the deck steps and that he did not want the pool that close to the deck steps because he has small children. The builder had told him that a pool would not be a problem prior to his home purchase and the 50' buffer zone was not mentioned.

L. Rudnicki: The request is even more than just the pool because of the surrounding paving and fence that will be installed.

J. Simons: Discussion items are usually meant to deal with small, diminutive things that are more technical than substantive. It is not clear that this can be waived. The Bylaw says 50'. The sense of the Board is that the homeowners should discuss the issue with the Building Commissioner and that this may have to go before the Zoning Board of Appeals.

MEETING MINUTES: Approval of June 18, 2013 meeting minutes.

MOTION

A motion was made by L. Rudnicki to approve the June 18, 2013 meeting minutes as amended. The motion was seconded by D. Kellogg. The vote was unanimous, 5-0 in favor.

ADJOURNMENT

MOTION:

A motion was made by M. Colantoni to adjourn the meeting. The motion was seconded by D. Kellogg. The vote was unanimous, 5-0 in favor.

The meeting adjourned at 7:35pm.

MEETING MATERIALS: Agenda, Draft Decision 'adjacent to' 1665 Great Pond Road, 7 Abby Lane: Page 2 of 6 from the Autumn Chase Notice of Decision, Plan Cover Sheet Autumn Chase North Andover, MA, Plan of Lot 1 Autumn Chase North Andover, MA, Aerial view picture of 7

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- 91 Abbey Lane, Plot Plan for Proposed Swimming Pool Alternative B at 7 Abby Lane in North
92 Andover, Mass. Dated May 10, 2013, Urbelis & Fieldsteel, LLP letter dated June 20, 2013 RE:
93 North Andover Land Corp. v. Louis Napoli, et al, 6/18/2013 draft meeting minutes.